**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE K.M.JOSEPH**

**FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929**

**WP(C).No. 31931 of 2006(B)**
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**PETITIONER:**
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**COMMUNIST PARTY OF INDIA (MARXIST), EZHAMKULAM LOCAL COMMITTEE, REPRESENTED BY ITS SECRETARY, NATARAJAN.R., VATTAYATHU NIRAPPIL, NEDUMON P.O., EZHAMKULAM, ADOOR TALUK, PATHANAMTHITTA DISTRICT.**

**BY ADV. SRI.D.KISHORE**

**RESPONDENTS:**
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1. **THE EZHAMKULAM GRAMA PANCHAYAT, REPRESENTED BY ITS SECRETARY, EZHAMKULAM, ADOOR.**

2. **THE DISTRICT COLLECTOR, PATHANAMTHITTA.**

3. **THE EXECUTIVE ENGINEER, PWD ROAD DIVISION, PATHANAMTHITTA.**

4. **THE ASSISTANT EXECUTIVE ENGINEER, PWD ROAD DIVISION, ADOOR.**

5. **THE TAHSILDAR, ADOOR, ADOOR TALUK, PATHANAMTHITTA DISTRICT.**

***6. LILLY THOMAS,**
**W/O. P.M. THOMAS, PYNUMMOOTTIL,**
**EZHAMKULAM, PARAKKODU P.O.,**
**PATHANAMTHITTA.**

***ADDL. R6 IS IMPLEADED AS PER ORDER DATED 11/12/06 IN IA NO. 17092/2006.**

**R6 BY ADV. A.K.ALEX**
**SRI. K.SHAJI FOR R1**
**SR. GOVERNMENT PLEADER SRI. K.J. MOHAMMED ANZAR**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/07/2007 ALONG WITH WPC NO. 5694/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**WP(C) NO: 31931/2006**

**APPENDIX**

**PETITIONER'S EXHIBITS**

**EXT.P1. COPY OF THE APPLICATION DT. 24/7/06 MADE BY THE PETITIONER TO R5.**

**EXT.P2. COPY OF THE APPLICATION DT. 20/11/06 MADE BY THE PETITIONER TO R5.**

**EXT.P3. COPY OF THE JUDGMENT DT. 27/09/05 IN OP NO. 5490/99 OF THIS COURT.**

**EXT.P4. COPY OF THE REPRESENTATION DT. 12/07/06 BY THE PETITIONER TO THE R3.**

**EXT.P5. COPY OF THE REPRESENTATION DT.20/07/2006 FILED BY THE PETITIONER TO R3.**

**EXT.P6. COPY OF THE ORDER NO. A3/730/99 DTD. 8/11/2006 BY THE R3 TO THE PETITIONER.**

**RESPONDENT'S EXHIBITS**

**EXT.R1A. COPY OF THE CERTIFICATE BY THE VILLAGE OFFICER, EZHAMKULAM TO THE R1.**

**EXT.R1B. COPY OF THE LETTER INTIMATING THE DISPOSAL OF THER EPRESENTATION OF THE SIXTH ADDITIONAL RESPONDENT, LILLY THOMAS BY THE R1 HEREIN PURSUANT TO EXT. P3 JUDGMENT.**

**EXT.R6A. COPY OF THE COMMISSION REPORT DT. 30/12/99 IN OP NO. 5490/99 OF THIS COURT.**

**EXT.R6B. COPY OF THE NOTICE ISSUED BY THE R4 ON 10/08/06.**

**EXT.R6C. COPY OF THE COUNTER AFFIDAVIT DT. 10/3/99 BYTHE PETITIONER AND THE R4 IN THE OTHER OP NO. 5490/99.**

*True copy*

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**K. M. JOSEPH, J.**

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**W.P.C. NOS. 31931/06 B & 5694/07 C**

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**Dated this the 27th July, 2007**

**JUDGMENT**

These two Writ Petitions are connected. Learned counsel for the petitioner in W.P.(C). No.31931/06 submits that the building which is the subject matter of the complaint filed by the petitioner in the other Writ Petition, has been demolished, and no dispute survives and the Writ Petition can be closed. Accordingly, W.P.(C) No.31931/06 is closed. As far as W.P.(C) No.5694/07 is concerned, I find that in view of the fact that the building is removed by the petitioner in W.P.(C) No.31931/06, I do not think that the said Writ Petition also survives for consideration. Of course, if there is any further encroachment which attracts the jurisdiction of respondents 2 & 3, it is open to the petitioner to approach the concerned Authorities seeking relief. Accordingly, W.P.(C) No.5694/07 is disposed of.

**K. M. JOSEPH, JUDGE**

**kbk.**